

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

BROADCAST MUSIC, INC., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 15-00260-CV-W-DW
)	
RICHARD L. WILLIS, individually and)	
d/b/a RICOCHET'S BILLIARD CAFÉ,)	
)	
Defendant.)	

SCHEDULING AND TRIAL ORDER

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure and upon consideration of the parties Joint Proposed Scheduling Order, the Court establishes the following schedule. The deadlines fixed herein will not be extended except for good cause shown and upon further written order of the Court.

A. TRIAL SETTING

1. This case is set for a two-day non-jury trial commencing Tuesday, July 19, 2016. The attorneys for the parties shall keep in contact with the Court to determine the status of their trial setting.
2. All matters will be heard at the United States District Courthouse, 400 East 9th Street, Kansas City, Missouri.

B. PLEADINGS

1. Motions to join additional parties shall be filed on or before December 4, 2015.
2. Motions to amend the pleadings shall be filed on or before December 4, 2015.

C. DISCOVERY

1. Disclosure of Expert Testimony
 - (a) A party who intends to call an expert to support an affirmative

claim for relief shall disclose the expert's testimony not later than sixty (60) days before the close of discovery, as is contemplated by Federal Rule of Civil Procedure 26(a)(2)(A), (B). A party who intends to call an expert to defend against an affirmative claim for relief shall disclose the same no later than (30) days before the close of discovery. Note that these times differ from those specified in Federal Rule of Civil Procedure 26(a)(2)(c).

- (b) The parties are directed to file their expert disclosures with the Court pursuant to Federal Rule of Civil Procedure 26(a)(4), and Local Rule 26.4(2).
- (c) All supplemental responses to interrogatories concerning experts, as are required under Federal Rule of Civil Procedure 26(e), shall be filed not later than sixty (60) days before the close of discovery in the case of a party whose expert will support an affirmative claim for relief, or not later than thirty (30) days before the close of discovery in the case of a party whose expert will defend against an affirmative claim for relief.

- 2. Treating physicians, coroners and like professionals not retained to testify for a party are subject to disclosure under Rule 26(a)(2)(A) but are not required to submit a report under Rule 26(a)(2)(B).

3. Discovery Motions

- (a) All discovery motions shall be filed on or before February 5, 2016. Local Rule 37.1 describes the procedures that must be followed before filing a discovery motion. Each party to a Rule 37.1 telephone conference shall file a memorandum describing the discovery dispute, not to exceed three (3) pages, and any related discovery documents, at least 48 hours before the telephone conference.

4. Discovery Deadline

- (a) All pretrial discovery authorized by the Federal Rules of Civil Procedure shall be completed on or before March 4, 2016.

D. DAUBERT MOTIONS

- 1. *Daubert* motions shall be filed on or before April 1, 2016.

E. DISPOSITIVE MOTIONS

1. Dispositive motions, except those filed under Rules 12(h)(2), (3), or 41(b) shall be filed on or before April 1, 2016.
2. All summary judgment motions shall comply with Local Rule 56.1.

F. PRETRIAL FILINGS

1. Pretrial Memorandum

- (a) Counsel for all parties shall meet, prepare, and sign a Pretrial Memorandum in the form attached.
- (b) The Pretrial Memorandum must be filed electronically by 5:00 p.m. on June 3, 2016. All parties are responsible for the preparation of the Pretrial Memorandum and shall jointly complete this Memorandum. *This Memorandum is to be considered final when filed and may only be amended after the parties have received leave of the Court.*
- (c) Witnesses not listed by a party in the Pretrial Memorandum will not be permitted to testify absent leave of Court.

2. Testimony by Deposition

- (a) Deposition Designations: On or before June 3, 2016, each party shall serve and file a designation, by page and line number, of any deposition testimony to be offered in evidence as a part of that party's case;
- (b) Objections to Deposition Designations and Counter-designations: On or before June 10, 2016, each party shall serve and file:
 - (i) any objections to proposed deposition testimony designated by any other party;
 - (ii) a designation, by page and line number, of any deposition testimony to be offered as cross-examination to deposition testimony designated by other parties.
- (c) Objections to Counter-designations: On or before June 17, 2016, each party shall file and serve objections to proposed deposition testimony to be offered as cross-examination.

3. Motions in Limine

- (a) Motions in limine shall be filed on or before June 17, 2016.
- (b) Responses to motions in limine shall be filed seven (7) days after the filing of said motions.

4. Proposed Findings of Fact and Conclusions of Law

- (a) On or before June 17, 2016, each party shall serve and file proposed findings of fact and conclusions of law.

5. Trial Briefs

- (a) On or before July 1, 2016, all parties shall serve and file any desired trial briefs.
- (b) Responses to any trial briefs shall be filed seven (7) days after the filing of said trial briefs.

6. Exhibit Index

- (a) In addition to the list of exhibits included in the Pretrial Memorandum, the parties shall prepare and provide to the courtroom deputy, the morning of trial, an Exhibit Index. Plaintiff and Defendant shall use Arabic numbers with no sub-parts, designating who is offering the exhibit (P1 for Plaintiff's Exhibit 1, D1 for Defendant's Exhibit 1, J1 for Joint Exhibits, etc.). Each item, each photograph, and each document must have its own exhibit number. All exhibits shall be marked by the parties prior to trial.

Dated: September 18, 2015

/s/ Dean Whipple
DEAN WHIPPLE
UNITED STATES DISTRICT JUDGE